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6 SAMIRIAN CHEMICALS, INC.,  
a California corporation  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 SAMIRIAN CHEMICALS, INC., a California  
12 corporation,

13 Plaintiff,

14 vs.

15 VEOLIA WTS USA, INC., a Pennsylvania  
16 corporation, formerly known as SUEZ WTS  
USA, INC.,

17 Defendant.  
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Case No. 5:23-cv-05260-SVK

**PLAINTIFF'S APPLICATION FOR  
CLERK'S DEFAULT JUDGMENT  
AGAINST DEFENDANT VEOLIA WTS  
USA, INC FKA SUEZ WTS USA, INC.  
UNDER F.R.C.P. 55 (B)(1);  
DECLARATION OF JACQUELINE N. VU  
IN SUPPORT OF DEFAULT JUDGMENT**

*[Filed concurrently with Declaration of May  
Liao]*

1 To the Clerk of the United States District Court for the Northern District of California:

2 1. Pursuant to Rule 55, subsection (b)(1), of the Federal Rules of Civil Procedure,  
3 Plaintiff, Samirian Chemicals, Inc., (“Samirian”) by and through its attorney of record, hereby  
4 requests that the Clerk enter a Default Judgment against Defendant Veolia WTS USA, Inc. FKA  
5 Suez WTS USA, Inc. (“Defaulting Defendant”) as to its Complaint [Docket # 1] on the grounds  
6 that the Defaulting Defendant has “failed to plead or otherwise defend” against this action within  
7 the permitted time.

8 2. As evidenced by the proof of service on file with this Court, Defaulting Defendant  
9 was duly and properly served pursuant to Rule 4 of the Federal Rules of Civil Procedure in this  
10 matter on October 18, 2023, and proof of such service was filed with this Court. (Docket No. 9.)

11 3. The Defaulting Defendant’s responsive pleading was due no later than November  
12 8, 2023. However, Plaintiff granted Defaulting Defendant an extension until November 27, 2023,  
13 to file and serve a responsive pleading.

14 4. As of December 1, 2023, the Defaulting Defendant did not file or serve a  
15 responsive pleading.

16 5. As a result, on December 1, 2023, Plaintiff submitted a Request for Clerk’s Entry  
17 of Default against Defaulting Defendant requesting that the Clerk enter a default against  
18 Defaulting Defendant.

19 6. On December 6, 2023, the Clerk entered a Notice of Entry of Default as to the  
20 Defaulting Defendant [Docket No. 13].

21 7. The Defaulting Defendant is not an infant, incompetent person or member of the  
22 military service.

23 8. The judgment sought is for a sum certain that can be calculated easily and does not  
24 exceed the amount demanded in the Complaint. As set forth in the concurrently filed Declaration  
25 of May Liao, as well as in the Complaint [Docket # 1], which is incorporated herein by this  
26 reference, Samirian seeks a judgment for: (1) compensatory damages in the principal sum of  
27 \$143,301.22, or an amount according to proof; and (2) default interest at the legal rate from May  
28 11, 2022, until judgment is entered. As set forth below and in the Declaration of May Liao,

default interest has been accruing at \$39.26/day, and through December 28, 2023, totals \$23,398.96. (Declaration of May Liao (Liao Decl.) ¶ 11(b).)

9. Accordingly, Samirian requests that the Clerk enter a default judgment in the amount of **\$166,700.18**, as of December 28, 2023, which includes the following:

- (i) \$143,301.22 of the principal amount due and owing under the Invoice; plus,
  - (ii) \$23,398.96 default interest at the legal rate of 10% from May 11, 2022 through December 28, 2023 [interest has been accruing at \$39.26/day. From May 11, 2022 through December 28, 2023, 596 days have passed.  $\$39.26 \times 596 \text{ days} = \$23,398.96$ .)
- (See Declaration of May Liao ¶¶ 10-11.)

10. The facts stated herein are supported by the Declaration of Jacqueline N. Vu and May Liao filed concurrently herewith.

DATED: December 28, 2023

BUCHALTER  
A Professional Corporation

By: /s/Jacqueline N. Vu  
JACQUELINE N. VU

Attorneys for Plaintiff  
SAMIRIAN CHEMICALS, INC., a California  
corporation

**DECLARATION OF JACQUELINE N. VU**

I, Jacqueline N. Vu, declare as follows:

1. I am an attorney duly licensed to practice before the courts of the State of California and admitted to practice before the United States District Court for the Northern District of California. The facts stated herein are of my own personal knowledge and if called as a witness, I could and would competently testify thereto.

2. I am an attorney at the law firm of Buchalter, A Professional Corporation, counsel of record for Plaintiff, Samirian Chemicals, Inc. As one of the attorneys assigned to this litigation, I have possession, custody, and control of Buchalter's records and documents relating to this action.

3. I make this declaration in support of Plaintiff's request that the Clerk enter a default judgment in this matter against Defendant Veolia WTS USA, Inc. FKA Suez WTS USA, Inc. ("Defaulting Defendant").

4. As more fully set forth in the Complaint (Docket No. 1), which is incorporated herein by this reference, with this lawsuit, Samirian seeks: (1) compensatory damages in the principal sum of \$143,301.22, or an amount according to proof; and (2) default interest at the legal rate, which through October 13, 2023, totals \$20,415.20, and which will continue to accrue at \$39.26 per day thereafter.

5. The Defaulting Defendant was duly and properly served in this matter, pursuant to Rule 4 of the Federal Rules of Civil Procedure, on October 18, 2023, and a true and correct copy of the proof of such service was filed with this Court. (Docket No. 9.)

6. I have calculated the date set forth in paragraph 3 based on F.R.C.P. Rule 12(a)(1)(A) and by reviewing an Outlook calendar. Based on those items, a responsive pleading was due no later than November 8, 2023. Default Defendant was granted an extension to file and serve a responsive pleading by November 27, 2023.

7. As of December 1, 2023, I did not receive any response from counsel for the Defaulting Defendant, nor did the Defaulting Default file or serve a responsive pleading. The applicable time limit for responding to the Complaint has expired.

I declare under the penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct. Executed on December 28, 2023, at Sacramento, California.

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